

NOTICE: THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND
MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE RULES.
See Ariz. R. Supreme Court 111(c); ARCAP 28(c); Ariz. R. Crim. P. 31.24

FILED BY CLERK

AUG 19 2011

COURT OF APPEALS
DIVISION TWO

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION TWO

IN RE GREGORY L.

) 2 CA-JV 2011-0051
) DEPARTMENT B

) MEMORANDUM DECISION
) Not for Publication
) Rule 28, Rules of Civil
) Appellate Procedure

APPEAL FROM THE SUPERIOR COURT OF PINAL COUNTY

Cause No. S1100JV200700437

Honorable Brenda E. Oldham, Judge
Honorable Craig A. Raymond, Judge Pro Tempore

AFFIRMED

Kessler Law Offices
By Eric W. Kessler

Mesa
Attorney for Minor

K E L L Y, Judge.

¶1 In October 2010 the minor Gregory L. admitted allegations of criminal trespass made in an amended delinquency petition, based on his having stolen a video game console and its accessories. After admitting he had violated the terms of his current term of probation for a second time in May 2011, the court ordered Gregory committed to the Arizona Juvenile Department of Corrections for “a determinate term of [six] months.”

¶2 Counsel has filed an “Affidavit” stating he “has reviewed the trial court proceedings in this matter, including the trial court transcripts” and is “unable to develop any non-frivolous issues to raise on appeal.” Counsel apparently and erroneously believed that such an affidavit, allowed “in an adoption, dependency, guardianship or severance matter,” Ariz. R. P. Juv. Ct. 106(G), was appropriate in a juvenile delinquency matter. Although it is not, juveniles are entitled to an appeal like that allowed by *Anders v. California*, 386 U.S. 738 (1967) “where there has been a finding of delinquency resulting from underlying criminal activity.” *In re Maricopa County Juv. Action No. JV-117258*, 163 Ariz. 484, 486, 788 P.2d 1235, 1237 (App. 1989), and we therefore construe counsel’s filing as such.

¶3 Viewed in the light most favorable to upholding the juvenile court’s orders, *see In re John M.*, 201 Ariz. 424, ¶ 7, 36 P.3d 772, 774 (App. 2001), the evidence shows Gregory first entered the juvenile court system at age thirteen. He was subsequently adjudicated delinquent on a theft charge and the instant criminal trespass charge, violated his probation on multiple occasions, and failed to comply with the terms of both standard and intensive probation.

¶4 Pursuant to our obligation under *Anders*, we have reviewed the record in its entirety. A factual basis supported Gregory’s admission to the state’s allegation that he had tested positive for marijuana usage in violation of the terms of his probation, and we find no error in the juvenile court’s conclusion that Gregory made his admission knowingly, intelligently, and voluntarily. Finding no reversible error and no arguable

issue warranting further appellate review, *see Anders*, 386 U.S. at 744, we affirm the court's adjudication, probation-revocation, and disposition order.

/s/ Virginia C. Kelly
VIRGINIA C. KELLY, Judge

CONCURRING:

/s/ Garye L. Vásquez
GARYE L. VÁSQUEZ, Presiding Judge

/s/ Philip G. Espinosa
PHILIP G. ESPINOSA, Judge